

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TAMRA ARCHER LEIGH,

Plaintiff,

v.

JOEL SACKS,

Defendant.

Case No. 3:21-cv-5567-TLF

ORDER DISMISSING PLAINTIFF'S
COMPLAINT WITH PREJUDICE

This matter comes before the Court on the Court's Order on Motion to Remand and Motions for Summary Judgment. Dkt. 37. The Court denied plaintiff's motion to remand (Dkt. 9), explaining that the Court has proper subject matter jurisdiction in this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367(a). Dkt. 37. Additionally, the Court granted defendant's motion for summary judgment (Dkt. 23) holding that plaintiff's claims are barred by the doctrine of res judicata. Dkt. 37. The Court dismissed plaintiff's claims without prejudice and allowed plaintiff 60 days from the date of the Order to file a motion for leave to amend the complaint explaining why amendment should be allowed. Dkt. 37.

Plaintiff's deadline to file a motion for leave to file amended complaint was February 14, 2022. Plaintiff has not filed a motion for leave to file amended complaint. Plaintiff has filed a motion to dismiss arguing that the Court lacks subject matter jurisdiction over this action. Dkt. 38. Defendant has filed a response to plaintiff's motion.

1 Dkt. 39. Plaintiff has filed a motion requesting that the Court strike defendant's response
2 as untimely. Dkt. 40.

3 As the Court explained in the previous Order, plaintiff's claims are barred by the
4 doctrine of re judicata. Dkt. 37. The Court dismissed plaintiff's claims without prejudice
5 and granted plaintiff an opportunity to file a motion for leave to file amended complaint
6 explaining why amendment should be allowed. Dkt. 37. The Court warned plaintiff that if
7 plaintiff did not file a motion for leave to amend the complaint the Court would dismiss
8 plaintiff's claims with prejudice. Dkt. 37.

9 Based on the foregoing and for the reasons set forth in the Court's previous
10 Order (Dkt. 37), plaintiff's claims are barred by the doctrine of res judicata and the Court
11 dismisses plaintiff's complaint with prejudice. Plaintiff's motion to dismiss (Dkt. 38) and
12 plaintiff's motion to strike plaintiff's response (Dkt. 40) are denied as moot.

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14 Dated this 24th day of March, 2022.

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Theresa L. Fricke
18 United States Magistrate Judge
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